

REMARKS

Claims 1-30 are pending in the application. Claims 1-29 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 103 (a)**Rejection Under Salvage, Mikhailov, Battle and Murto**

Claims 1-6, 8-14, 17-24 and 26-29 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2001/0009014 issued to Savage et al. dated July 19, 2001 in view of U. S. Patent Application Number 2002/0080949 issued to Mikhailov dated June 27, 2002, and further in view of U. S. Patent Number 6,081,592 issued to Battle on June 27, 2000 and U. S. Patent Number 5,966,662 issued to Murto on October 12, 1999.

Applicant respectfully traverses this ground of rejection for the following reasons.

First, applicant's claim 1 recites,

"wherein the one or more application server components establish the one or more data streams via employment of a) one or more data stream request messages and b) one or more identifiers which distinguish calls associated with the one or more application server components, and wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method."

As stated in the Office Action, the Examiner agrees that Savage, Mikhailov and Battle do not teach or suggest "a priority selection method". Moreover, applicant notes that Murto does not teach or suggest the limitation either. Instead, Murto discloses a technique for controlling the transmission of paging messages in a mobile communications network. In Murto, the base stations of a location area are divided into paging groups according to the traffic load of the base stations, so that new paging messages are first transmitted via base stations with a light traffic load. Due to the grouping, the base stations in overloaded areas are classified in a lower priority paging group, whereas the base stations with light traffic loads are in a higher priority paging group. See column 4, lines 36-53. In other words, Murto provides load balancing of

paging messages to base stations in a mobile communications network by giving priority for the transmission of new page messages to lightly loaded base stations.

By contrast, applicant's claim 1 does not recite "base stations", "paging messages", "load balancing" or any aspects of a mobile communications network. Applicant's claim 1 requires one or more application server components that establish data streams via the selection of an identifier that can distinguish calls associated with the one or more application server components using a priority selection method. This is clearly different from the teachings of Murto because Murto performs load balancing of paging messages among base stations in a mobile communications network rather than the selection of an identifier that can distinguish calls associated with one or more application server components in a data network.

Also, the Examiner has asserted that the overloaded paging groups are an identifier used in Murto's technique. Even assuming that the overloaded paging groups are an identifier, Murto still fails to teach or suggest applicant's claim 1. This is because Murto's identifier does not distinguish calls associated with the one or more application server components. Thus, Murto, similar to Savage, Mikhailov and Battle, is missing the "wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method" elements, as recited in applicant's claim 1.

Second, the Office Action suggests that there is a motivation to combine Savage with Murto —namely, to prevent unnecessary signaling between stations during call establishment due to inadequate channel resources. However, applicant respectfully submits that the teachings in Savage and Murto provide no basis to conclude that a person of ordinary skill in the art would use Murto's techniques to facilitate Savage's arrangement to arrive at the subject matter of applicant's claim 1, so the combination is improper.

Specifically, each reference addresses a problem so different from the one addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

More specifically, Savage addresses the problem of providing high-quality, real-time communication among a plurality of remote clients with a highly scalable system.

In Savage, the problem is addressed by receiving a request with a dispatch server, the request being from a first one of the plurality of clients to join a first conference; and dispatching the first client to the first conference on a first one of a plurality of media servers associated with the dispatch server.

Rather than addressing problems that involve providing high-quality, real-time communication among a plurality of remote clients as done by Savage, it appears that the problem being addressed by Murto is the need to prevent the unnecessary signaling traffic, caused by paging messages, between a base station and a mobile station in a situation where the base station cannot handle call establishment due to inadequate channel resources. In Murto, the problem is addressed by grouping base stations of a location area according to traffic load, and transmitting a paging message for a mobile station first via lightly loaded base stations of the location area of the mobile station.

Also, each reference addresses services so different from the services addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

Savage's media server network delivers conference services. Rather than delivering conference services as done in Savage, the network in Murto transmits and receives wireless voice services.

Furthermore, each reference addresses networks so different from the networks addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

Savage provides an Internet Protocol network with media servers, as stated in paragraph 0011. Rather than providing an Internet Protocol network as done in Savage, Murto provides a mobile communications network.

Still further, each reference addresses protocols so different from the protocols addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

Savage's Internet Protocol network uses the real-time protocol (RTP), TCP/IP and UDP/IP protocols. By contrast, the network in Murto relies on the Global System for Mobile Communications (GSM) protocol.

Accordingly, one of ordinary skill in the art would not be motivated to combine a solution that provides 1) receiving a request with a dispatch server, the request being from a first one of the plurality of clients to join a first conference; and dispatching the first client to the first conference on a first one of a plurality of media servers associated with the dispatch server, with 2) grouping base stations of a location area according to traffic load, and transmitting a paging message for a mobile station first via lightly loaded base stations of the location area of the mobile station.

Furthermore, Savage makes no mention of load balancing paging messages in a GSM network, nor is there a teaching in Savage to suggest that there would be an improvement in Savage's media server network by load balancing paging messages in a GSM network. Since the teachings of Savage adequately address the problem of providing high-quality, real-time communication among a plurality of remote clients with a highly scalable system, there is no motivation to combine Savage with Murto's teachings. Given that Savage's technique does not suffer from the problems that Murto addresses, one of ordinary skill in the art would not be led to try to improve Savage's technique with Murto's teachings.

Thus, one of ordinary skill in the art would not be motivated to modify Savage with Murto's teachings. Consequently, applicant respectfully submits that the Examiner is relying on the use of impermissible hindsight in an attempt to reconstruct applicant's teachings by combining Savage with Murto. Accordingly, applicant submits that the combination and resultant rejection are improper.

Therefore the proposed combination of Savage, Mikhailov, Battle and Murto does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-14 and 21-29 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 17 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination of Savage, Mikhailov, Battle and Murto. For example, claims 17 and 20 recite, "wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method". The proposed combination of Savage,

Mikhailov, Battle and Murto does not teach this limitation for the above-mentioned reasons. Therefore, claims 17 and 20 are likewise allowable over the proposed combination. Since claims 18-19 depend from claim 17, these dependent claims are also allowable over the proposed combination.

Rejection Under Salvage, Mikhailov, Battle, Murto, and Cloutier

Claims 7, 15-16 and 25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Savage in view of Mikhailov, Battle and Murto, and further in view of U. S. Patent Application Number 2004/0015405 issued to Cloutier et al. dated January 22, 2004.

Applicant respectfully traverses these grounds of rejection.

Claims 7, 15-16 and 25 depend from independent claim 1. As noted hereinabove, Savage, Mikhailov, Battle and Murto do not teach or suggest "wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method", as recited in applicant's independent claims 1, 17 and 20. Cloutier does not teach or suggest the elements either. Thus, claims 7, 15-16 and 24-25 are allowable over the proposed combinations of Savage, Mikhailov, Battle, Murto, and Cloutier under 35 U.S.C. § 103 (a).

New Claim

New claim 30 has been added. Claim 30 provides an additional limitation directed to the one or more application server components. No new matter has been added.

APR 30 2009

16

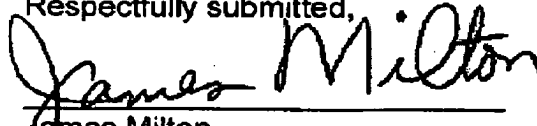
LUC-434/Clark 11

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



James Milton
Attorney for Applicant
Reg. No. 46,935

Dated: April 30, 2009

CARMEN PATTI LAW GROUP, LLC
Customer Number 47382